

## REMARKS

Claims 5 and 8 were rejected under § 112 for informalities. Claims 1-4, 6 and 9-11 were rejected under § 102 as being anticipated by Fernandez (US 6,668,815). Claims 5, 7 and 8 were indicated as being allowable if corrected and rewritten in independent form.

Upon entry of this amendment, claims 1-4, 6 and 9-15 will be pending.

Independent claim 3 has been amended to include the elements of claim 5, which has been cancelled. Since claim 5 was indicated to be allowable, claims 3 and 4 should be allowable.

Independent claim 6 has been amended to include the elements of claims 7 and 8, which have been cancelled. Since claims 7 and 8 were indicated to be allowable, claim 6 should be allowable.

New independent claims 12 and 13 are of the same scope of original claim 6 plus the elements of claims 7 and 8, respectively. Thus, claims 12 and 13 should be allowable.

Claims 9, 14 and 15 depend from claims 6, 12 and 13, respectively, so claims 9, 14 and 15 should be allowable.

Regarding all claims, and specifically claims 1-2 and 10-11, the present invention is directed to the use of an adaptor in a pneumatic paintball marker. The purpose of the adaptor of the present invention is to allow a user to connect a universal barrel to almost any existing paintball marker. The adaptor of the present invention has a body with a hollow cylindrical tube, a marker end adapted for connection with the front portion of the paintball gun and a barrel connection for connection with a universal barrel. Consequently, the present invention as claimed relates to the function of the adaptor which is to permit the interchangeability between barrels and paintball markers.

The adaptor can be adapted to connect to the breech end of the universal barrel by reverse screwing the internal threads on the adaptor barrel connection to the breech end of the universal barrel. The internal threads of the barrel connection of the adaptor are identical on all adaptors contemplated by the present invention and only connect to the

breech end of the universal barrel. The marker end of the adaptor comprises an external thread that is adapted to accommodate the many different types of paintball markers on the market.

U.S. Patent 6,668,815 (Fernandez) is directed generally to paintball guns; and in particular, to self-aligning multi-part paintball gun assemblies. As discussed in the background of the invention of the Fernandez patent, paintball gun barrels are usually formed of two or more pieces connected in series, and one problem that commonly arises is the ability to provide good alignment between the bores of the pieces. Therefore, it is an object of the Fernandez patent to disclose a paintball gun barrel assembly that accounts for this problem by ensuring that the bores of the parts are concentric where they meet and that the muzzle portion and shank assembly are self-aligning.

In Fernandez, the shank assembly is adapted to mate to a paintball gun body and connects the muzzle portion to the main gun body. The shank assembly may include an insert housing and a bore tube. The shank assembly has an internal first bore therethrough and a first angled surface on an output end thereof substantially concentric with the bore thereat. The muzzle portion has a second bore, an output end, and an input end; the input end having a second angled surface substantially concentric with the second bore. Mating the muzzle to the shank assembly causes the respective angled surfaces to inter-engage, thereby causing the first bore at the output end of the shank assembly to substantially align with the second bore at the input end of the muzzle. Thus, the shank assembly and the muzzle are self-aligned with respect to each other.

The shank assembly as disclosed in the Fernandez references includes an insert housing and a bore tube. The insert housing acts as the main support for the shank assembly.

The Examiner may assume that the shank assembly and adaptor of the present invention fulfill the same function, that is, to ensure that the parts of the paintball assembly are self-aligning. This is incorrect. However, we respectfully submit that the Examiner is incorrectly interpreting the function of the adaptor of the present invention. The adaptor of the present invention has a body with a hollow cylindrical tube, a marker end adapted for connection with the front portion of the paintball gun and a barrel connection for connection

with a universal barrel. Consequently, the present invention as claimed relates to the function of the adaptor which is to permit the interchangeability between universal barrels and paintball markers, and not the purpose of self-aligning the muzzle portion and the barrel.

Additionally, the adaptor of the present invention does not include an insert housing or a bore tube and consequently, the adaptor is not supported by an insert housing.

Furthermore, the adaptor, unlike the shank assembly, is not connected to the muzzle portion of the paintball gun. There is nothing in the disclosure of the Fernandez reference that describes an adaptor that allows a user to connect a universal barrel to almost any existing paintball marker. Therefore, we respectfully submit that the Fernandez patent teaches away from the present invention and as such cannot anticipate the present invention.

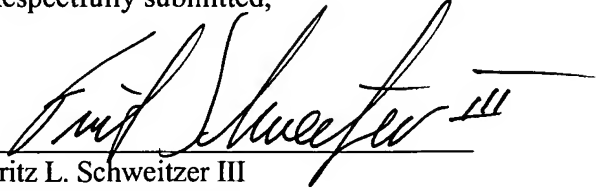
Furthermore, it is not part of the present invention that the adaptor play a role in self-aligning the muzzle portion to the universal barrel of the present invention. Once again, we reiterate that the purpose of the adaptor is to allow a paintball player to change paintball markers easily and conveniently without the need of purchasing a multiplicity of barrels. The Fernandez reference does not teach the use of an adaptor.

We respectfully submit that a skilled person reading the Fernandez reference would not be led to the present invention.

Independent claims 1 and 10 are not anticipated by the Fernandez patent since their subject matter is directed to a pneumatic paintball marker (or use thereof) comprising an adaptor that can be adaptably connected to the paintball marker at the marker end and the universal barrel at the barrel end to allow a user to connect a universal barrel to almost any existing paintball marker. Therefore, we respectfully submit that claims 1-2 and 10-11 are not anticipated by the Fernandez reference and should be allowable.

In light of the foregoing, the applicant respectfully requests that all pending claims be reconsidered and allowed.

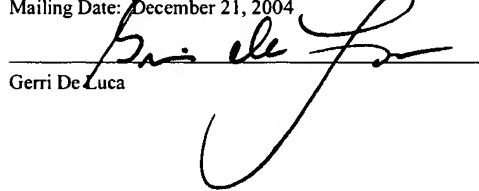
Respectfully submitted,



Fritz L. Schweitzer III  
Attorney for Applicant  
Registration No. 39,363

**Customer No. 022831**  
SCHWEITZER CORNMAN  
GROSS & BONDELL LLP  
292 Madison Avenue, 19<sup>th</sup> Floor  
New York, New York 10017  
Tel.: (646) 424-0770  
Fax: (646) 424-0880

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service as First Class Mail on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Mailing Date: December 21, 2004



Gerri De Luca